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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,246	11/10/1999	SATOSHI SHINADA	Q56708	7699

7590 07/10/2003  
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WASHINGTON, DC 200373202

EXAMINER
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NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/437,246

Applicant(s)

SHINADA ET AL.

Examiner

Michael P Nghiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,10-25,27,29-32,34,36-44,46,47,50,51 and 53-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5-7,10-25,27,29-32,34,36-44,46,47,50,53 and 58-61 is/are allowed.
- 6) ☒ Claim(s) 51 and 54-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 36.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

The Amendment filed on February 14, 2003 has been acknowledged.

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 14, 2003 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 51 and 54-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasaki et al. (US 6,036,305).

Nagasaki et al. discloses all the claimed features of the invention including:

- an ink cartridge (11) for a printing apparatus providing ink to a print head (1) through a tapered ink supply needle (2), said ink cartridge capable of providing ink to the print head through the ink supply needle (Figs. 2, 3), the ink cartridge comprising:

- an ink chamber (12) containing ink therein and an absorbent material (14);
  - an ink channel (16, channel of 2) for providing ink from said ink chamber to the print head of the printing apparatus (Fig. 2);
  - a packing member (19) provided at said ink channel, forming a part of said ink channel for allowing a flow of ink (Fig. 3), said packing member sealing the ink supply needle of the ink printing apparatus by fitting therewith (Fig. 3);
  - a valve device (18) contained in said ink channel elastically abutting against said packing member in a direction which is the same as a direction of the sealing by said packing member with said valve device (Fig. 3), said packing member selectively

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opening and closing said ink channel in conjunction with the ink supply needle (Figs. 5, 6);

- a direction of said ink channel, from the ink port to the ink chamber having the absorbent material, is substantially the same direction of the sealing by said packing member with said valve device (Fig. 3);

- a distance from a part of said valve device which first contacts the ink supply needle when the needle inserts into said ink supply port to a part of said packing member which engages with the ink supply needle is longer than a distance between a tip end of the ink supply needle and a part of the ink supply needle which first contacts the packing member when the ink cartridge is coupled to the printing apparatus (Figs. 3, 5), and said packing member has a surface slanting at a certain angle substantially the same as a tapered angle of the ink supply needle, said slanting surface of said packing member being disposed in the vicinity of where said packing member contacts said valve (slanting opening of 19, Fig. 3);

- a packing retainer (20) for retaining said packing member at said external opening of said ink supply port; wherein: said valve device does not comprise a sphere (Fig. 3), said packing retainer has a protruding portion protruding from said external opening toward the center thereof (20 extends from edge of opening of 19 towards center of opening, see line below 19, Fig. 3);

- said valve device comprising a valve body contacting with said packing member and comprising a substantially flat surface with which the ink supply needle contacts (Fig. 5);

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- a guide body (left vertical wall of 12) for operably suppressing a horizontal deviation of said valve device (side wall prevents 18 from moving horizontally to the left, Fig. 3);

### ***Allowable Subject Matter***

3. Claims 1, 5-7, 10-25, 27, 29-32, 34, 36-44, 46, 47, 50, 53, and 58-61 are allowed.

### ***Reasons For Allowance***

4. The combination as claimed wherein an ink cartridge comprising a sealing film sealing said external opening of said ink supply port until said ink supply needle penetrates into said ink supply port (claim 1) or said abutting of said valve device against only an upper part of said protruding rim performs said closing of said ink channel (claims 5, 46) or said valve body comprises an ink channel allowing ink to pass therethrough (claim 18) or said guide body comprises an axial portion and a guide block (claims 21, 27) or said valve body and said guide body are fixed to each other by fixing means (claim 24) or said valve body and said guide body are formed as one unit with each other (claim 25) and a member protruding from said valve surface and contacting with a tip end of the ink supply needle (claim 29) or wherein said valve body of said valve device comprises a surface, facing said packing member, provided with a notch

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(claim 30) or said spherical surface of said valve device has a diameter of curvature larger than a diameter of a widest part of said valve body (claims 34, 61) or said packing member includes a protruding portion extending toward said supply port and fitting with the concave portion of said ink supply port (claims 53, 58-60) is not disclosed, suggested, or made obvious by the prior art of record.

### ***Response to Arguments***

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mitchell et al. (US 4,162,501) discloses a packing member having a notch on the bottom surface (Fig. 6).

Usui et al. (US 6,302,531) discloses a valve body comprising an ink channel therethrough (Fig. 3).

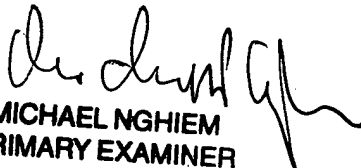
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**Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten can be reached at (703) 308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

June 25, 2003